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UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,	)	Case No.: 22-CR-167 WBS
Plaintiff,	)	STIPULATION AND ORDER TO
vs.	)	CONTINUE CASE FOR CHANGE OF
GILDARDO PEREZ AVILEZ,	)	PLEA
Defendant	)	Date: August 26, 2024
	)	Time: 9:00 a.m.
	)	Judge: Hon. Shubb

**STIPULATION**

The United States of America through its undersigned counsel, Justin Lee, Assistant United States Attorney, together with Attorney Dina Santos, counsel for Gildardo Perez Avilez, hereby stipulate the following:

1. The Status Conference was previously set for May 28, 2024. By this stipulation, the parties now move to continue the Status Conference to **August 26, 2024, at 9:00 a.m.** and to exclude time between May 28, 2024, and August 26, 2024, under the Local Code T-4 (to allow defense counsel time to prepare).
2. The parties agree and stipulate, and request the Court find the following:
  - a. A continuance is requested to continue to allow the Defense to meet with the Client, review discovery, conduct investigation, and discuss a potential resolution and review plea agreement.

- 1 b. Counsel for the Defendant believes the failure to grant a continuance in this  
2 case would deny defense counsel reasonable time necessary for effective  
3 preparation, taking into account the exercise of due diligence.  
4 c. The Government does not object to the continuance.  
5 d. Based on the above-stated findings, the ends of justice served by granting the  
6 requested continuance outweigh the best interests of the public and the  
7 defendants in a speedy trial within the original date prescribed by the Speedy  
8 Trial Act.  
9 e. For the purpose of computing time under the Speedy Trial Act, 18 United  
10 States Code Section 3161(h)(7)(A) within which trial must commence, the  
11 time period of May 28, 2024, and August 26, 2024, inclusive, is deemed  
12 excludable pursuant to 18 United States Code Section 3161(h)(7)(A) and  
13 (B)(iv), corresponding to Local Code T-4 because it results from a continuance  
14 granted by the Court at defendant's request on the basis of the Court's finding  
15 that the ends of justice served by taking such action outweigh the best interest  
16 of the public and the defendant in a speedy trial.  
17 3. Nothing in this stipulation and order shall preclude a finding that other provisions  
18 of the Speedy Trial Act dictate that additional time periods are excludable from  
19 the period within which a trial must commence.  
20

21 **IT IS SO STIPULATED.**

22  
23 DATE: May 22, 2024

Phillip Talbert  
United States Attorney

24  
25 /s/ Justin Lee  
JUSTIN LEE  
Assistant U.S. Attorney

26 DATE: May 22, 2024

27 /s/ Dina Santos  
DINA SANTOS  
28 Attorney for Gildardo Perez Avilez

**ORDER**

The Court has read and considered the Stipulation Regarding Excludable Time Period Pursuant to Speedy Trial Act, filed by the parties in this matter. The Court hereby finds that the Stipulation, which this Court incorporates by reference into this Order, demonstrates facts that provide good cause for a finding of excludable time pursuant to the Speedy Trial Act, 18 U.S.C. § 3161.

The Court further finds that: (i) the ends of justice served by the continuance outweigh the best interest of the public and defendant in a speedy trial; and (ii) failure to grant the continuance would deny defense counsel the reasonable time necessary for effective preparation, taking into account the exercise of due diligence.

Nothing in this Order shall preclude a finding that other provisions of the Speedy Trial Act dictate that additional time periods are excluded from the period within which trial must commence.

**IT IS SO ORDERED.**

Dated: May 23, 2024



**WILLIAM B. SHUBB**  
**UNITED STATES DISTRICT JUDGE**